

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FRANK DOMINIC DUNDEE,	)	CASE NO. 1:19CV01141
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	MAGISTRATE JUDGE JONATHAN D.
	)	GREENBERG
UNIVERSITY HOSPITALS	)	
CORPORATION, et al.,	)	
	)	<b>DECLARATION OF RACHAEL L</b>
Defendants.	)	<b>ISRAEL, ESQ. PURSUANT TO 28 U.S.C.</b>
	)	<b>§1746</b>
	)	

I, Rachael L. Israel, Esq., being of sound mind and over the age of eighteen, hereby declare as follows:

1. I am an attorney at Giffen & Kaminski, LLC and counsel of record for University Hospitals Health Systems, Inc. ("University Hospitals") in the above captioned matter.
2. I have taken over representation of University Hospitals in this matter from my former colleague, attorney Doni Bulea.
3. On January 14, 2020, Mr. Bulea asked Plaintiff Frank Dundee to withdraw his Motion for Summary Judgment on the grounds that it was prematurely filed.
4. Mr. Dundee declined to withdraw the Motion, but stated:  
  
I would prefer that your firm file a Motion to Defer, in exchange for me allowing the 28 day extension on production.  
  
I never expected that my Motion for Summary Judgement would be acted upon until after Discovery. I felt a need to submit to the Court while I had time to finish it and out of concern that my health problems might flare-up in the coming months, effecting my endurance and acuity.
5. On February 4, 2020, in email correspondence with me, Mr. Dundee reiterated that he has "no problem with the deferral until the end of discovery."

6. Thus, University Hospital's Motion to Defer Ruling on Summary Judgment is unopposed.

7. On November 14, 2019, University Hospitals served Plaintiff Frank Dundee with its First Set of discovery requests, comprised of Interrogatories, Requests for Admissions and Requests for Production of Documents. These discovery requests seek the names of potential witnesses, the factual basis for Mr. Dundee's claims and the production of documents relevant to the parties' claims and defenses, among other things.

8. Mr. Dundee has not yet responded to these discovery requests.

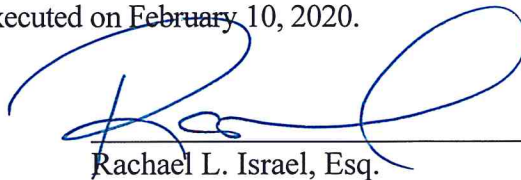
9. By agreement of the parties, Mr. Dundee's responses to these discovery requests are due February 14, 2020.

10. Mr. Dundee has not yet been deposed.

11. Mr. Dundee's deposition has been scheduled for March 10, 2020.

12. Without Mr. Dundee's responses to University Hospitals's discovery requests and deposition testimony, University Hospitals is unable to present facts essential to support its opposition to Mr. Dundee's Motion for Summary Judgment.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 10, 2020.



Rachael L. Israel, Esq.